

LIQUOR ORDINANCE 1931-1938. ⁽¹⁾

An Ordinance Relating to the Sale, Supply and Disposal of Fermented and Spirituous Liquor and for other purposes.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920-1926*, as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Liquor Ordinance 1931-1938*. ⁽¹⁾ Short title.
Amended by
No. 3 of 1934,
s. 50.
2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *New Guinea Gazette*. ⁽¹⁾ Commencement.
3. The *Intoxicating Liquors Ordinance 1921*, the *Intoxicating Liquors Amendment Ordinance 1921*, the *Intoxicating Liquors* Repeal.

(1) The *Liquor Ordinance 1931-1938* comprises the *Liquor Ordinance 1931*, as amended by the other Ordinances referred to in the following Table:—

TABLE.

PART I.—ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwth. Gaz.</i>	Date on which took effect.
<i>Liquor Ordinance 1931</i> (No. 17 of 1931)	18.6.1931	25.6.1931	12.8.1931 (<i>N.G. Gaz.</i> of 1.8.1931)
<i>Liquor Ordinance 1933</i> (No. 21 of 1933)	21.4.1933	27.4.1933	27.4.1933 (<i>Cwth. Gaz.</i> of 27.4.1933)

PART II.—ORDINANCES OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Liquor Ordinance 1934</i> (No. 13 of 1934)	6.2.1934	15.8.1934	6.2.1934 (<i>Laws of T.N.G.</i> , Vol. XIII, p. 43)
<i>Liquor Ordinance 1936</i> (No. 16 of 1936)	26.2.1936	15.6.1936	26.2.1936 (<i>Laws of T.N.G.</i> , Vol. XIII, p. 408)
<i>Liquor Ordinance (No. 2) 1936</i> (No. 33 of 1936)	5.8.1936	14.11.1936	2.11.1936 (<i>N.G. Gaz.</i> of 15.8.1936)
<i>Liquor Ordinance 1937</i> (No. 3 of 1937)	3.3.1937	22.6.1937	23.7.1937 (<i>N.G. Gaz.</i> of 22.7.1937)
<i>Liquor Ordinance 1938</i> (No. 37 of 1938)	24.8.1938	15.12.1938	The whole except Sec. 2 on 24.8.1938 (<i>Laws of T.N.G.</i> , Vol. XIV, p. 159); Sec. 2 on 1.11.1938 (Sec. 2(2), <i>Liquor Ordinance 1938</i>)

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Ordinance (No. 2) 1921, and the Intoxicating Liquors Ordinance 1924 are repealed:

Provided that any right, privilege, licence, obligation or liability acquired, accrued or incurred under any Ordinance repealed by this section shall, subject to this Ordinance, continue as if acquired, accrued or incurred under this Ordinance.

Parts.

4. This Ordinance is divided into Parts, as follows:—

Part I.—Preliminary.

Part II.—Administration.

Part III.—Licences and Permits.

Part IV.—Offences.

Part V.—Miscellaneous.

Definitions.

5. In this Ordinance, unless the contrary intention appears—

“Authorized police officer” means any police officer appointed by the Superintendent of Police to carry out the provisions of this Ordinance;

“Bar-room” means any room in which liquor is kept and in which, or through any opening in which, liquor is directly served to customers;

“Clerk” means the Registrar of the Supreme Court, and includes any officer for the time being carrying out the duties of Registrar of the Supreme Court;

“Commissioner” means the Licensing Commissioner appointed under this Ordinance, and includes any person appointed under this Ordinance to act in his stead;

“Inspector” means a Licensing Inspector appointed under this Ordinance;

“Licence” means a licence granted under this Ordinance;

“Licensed premises” means premises in respect of which a licence is in force;

“Licensee” means the holder of a licence under this Ordinance;

“Liquor” means any wine, spirits, ale, beer, porter, cider, perry and any liquid containing alcohol ordinarily used or fit for use as a beverage;

“Lodger” means a regular resident in the licensed premises or a person resident in the licensed premises on the night immediately preceding the day or night whereon an offence is alleged to have been committed;

“Owner” of licensed premises includes a *cestui que trust*, and means the person for the time being entitled to

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receive either on his own account or as mortgagee or other encumbrancer in possession of the rent of such premises, or the attorney of such person;

“Police officer” means any European member of the New Guinea Police Force;

“Prohibited hours” in relation to a publican’s licence, booth licence or club licence means hours other than trading hours, and includes any hour on Good Friday, Christmas Day or any day or portion of a day which is prescribed, and in relation to any other licence means hours other than those prescribed for the sale of liquor under that licence;

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“Publican” means the holder of a publican’s licence under this Ordinance;

“This Ordinance” includes the Regulations made under this Ordinance;

“Trading hours” in relation to a publican’s licence, booth licence or club licence means the hours from seven o’clock in the morning to eleven o’clock in the evening on any day other than Sunday, Good Friday, Christmas Day or any day or portion of a day which is prescribed and the hours from twelve o’clock noon to one o’clock in the afternoon and from half-past five o’clock to seven o’clock in the evening on Sunday, and in relation to any other licence means the hours prescribed for the sale of liquor under that licence.

Amended by
No. 16 of 1936,
s. 2.

6. The provisions of this Ordinance relating to the sale of liquor shall not apply to—

Non-application
of Ordinance.

- (a) the sale of any beverage usually considered non-intoxicating or containing less than two per centum of proof spirit;
- (b) the sale of spirituous or distilled perfume in good faith as perfumery;
- (c) the sale of any liquor simply as medicine or for medicinal purposes by, or under the direction of, any legally qualified medical practitioner;
- (d) the administration, dispensing or selling of liquor for medicinal purposes only by any duly registered apothecary, chemist, druggist or other person authorized by law in that behalf;
- (e) the sale by auction by an auctioneer licensed under the *Auctioneers Ordinance 1924*, in good faith, in the course of his business, of liquor on account of another person; or

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- (f) the sale of liquor taken in execution, or forfeited or seized under any law of the Territory.

PART II.—ADMINISTRATION.

Licensing
Commissioner.

7.—(1.) There shall be a Licensing Commissioner for the Territory.

Sub-section (2)
amended by
No. 13 of 1934,
s. 2.

(2.) The Administrator may, by notice in the *New Guinea Gazette*, appoint a Judge of the Supreme Court or an officer of the Public Service of the Territory to be the Licensing Commissioner.

(3.) In the absence from the Territory or temporary incapacity of the Commissioner, the Administrator may appoint a person to act in his stead, and such person shall have, while so acting, all the powers and duties of the Licensing Commissioner.

Jurisdiction.

8.—(1.) Subject to the provisions of this Ordinance, the Commissioner shall have jurisdiction to hear and determine all cases or matters arising in or concerning any of the following matters, and the decision of the Commissioner shall be conclusive thereon, namely:—

- (a) the grant or refusal of all licences, certificates for licences, or permits under the provisions of this Ordinance;
- (b) the grant or refusal of the renewal, transfer or removal of any licence;
- (c) the cancellation or suspension of any certificate or licence;
- (d) the disqualification of licensed persons or licensed premises; and
- (e) any appeal against any order or decision and any application for rehearing.

(2.) The provisions of the *District Courts Ordinance 1924-1927*⁽²⁾ shall, so far as applicable, with such alterations, modifications and substitutions as are necessary, apply to the proceedings of the Commissioner.

Quarterly
sitting and
special sittings.
Sub-section (1)
amended by
No. 21 of 1933,
s. 2 and by
No. 13 of 1934,
s. 2.

9.—(1.) An ordinary sitting for the purpose of hearing applications under this Ordinance (to be called the Quarterly Sitting) shall be held at the Supreme Court, Rabaul, on the second Thursday in the months of September, December, March and June in every year, or on such other days in those months as are specially appointed by the Commissioner.

(2.) Special sittings may be held from time to time for the purposes of this Ordinance.

(2) Now the *District Courts Ordinance 1924-1938*.

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10.—(1.) An Annual Sitting shall be held at the Supreme Court, Rabaul, on the second Thursday in the month of September in every year, or on a day in September specially appointed by the Commissioner.

Annual Sitting.
Sub-section
(1) amended
by No. 21 of
1933, s. 3, and
by No. 13 of
1934, s. 2.

(2.) Except as provided in section thirty-one of this Ordinance, applications shall be made at the Annual Sitting for the renewal of all licences in force, and for the grant of new licences other than booth licences:

Provided that, with the consent of the Commissioner, applications for new licences may also be made at any Quarterly Sitting.

11. The Commissioner shall cause to be published in the *New Guinea Gazette* notice of any special sitting or of any sitting on a day specially appointed, at least fourteen days before such sitting or day, as the case may be.

Notice of
sitting.

12. A special sitting may be held at any place appointed by the Commissioner by notice in the *New Guinea Gazette*.

Place of special
sitting.

13. The Commissioner may, if he thinks fit, and on such terms as to costs or otherwise as he determines, adjourn, from time to time, the hearing or further hearing of any application or other matter to a time and place then appointed.

Adjournment
of hearing.

14.—(1.) The Clerk shall—

Duties of
Clerk.

- (a) keep a register of all licences, certificates and permits granted from time to time by the Commissioner;
- (b) keep such records as the Commissioner directs;
- (c) issue all licences, renewals of licences, and permits granted or authorized;
- (d) collect all fees payable in respect of licences or permits and for setting down applications in any matter for hearing by the Commissioner or arising out of any order of the Commissioner;
- (e) publish in the *New Guinea Gazette* a list of all applications granted or refused by the Commissioner; and
- (f) give such notices and perform such other duties as are required under this Ordinance or as are directed by the Commissioner to be given or performed.

(2.) The Clerk shall not issue any licence, renewal of licence, or permit until the fee payable in respect thereof has been paid to him.

(3.) Where a fee is payable within a specified period, the Clerk shall not accept the fee after the expiry of that period.

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Chief
Licensing
Inspector.

15.—(1.) The Superintendent of Police shall be the Chief Licensing Inspector and shall have all the powers of an inspector, and may exercise those powers in any part of the Territory.

(2.) The Superintendent of Police may appoint any Police Officer to be an authorized police officer for the purposes of this Ordinance.

Licensing
Inspector.

16.—(1.) The Administrator may, by notice⁽³⁾ in the *New Guinea Gazette*, appoint a police officer (not below the rank of inspector) to be the Licensing Inspector in respect of the area specified in the notice.

(2.) The Licensing Inspector shall have and may exercise within the area to which he has been appointed the several powers and authorities conferred upon him by this Ordinance.

(3.) The Chief Licensing Inspector and the inspectors shall use all due vigilance and take all lawful means to enforce compliance with the provisions of this Ordinance, and shall report to the Commissioner as required by this Ordinance and as directed by the Commissioner.

Duties of
Inspector.

17. An inspector shall—

(a) at least twice in every year inspect all licensed public houses and clubs within the area to which he has been appointed;

(3) Pursuant to Section 16(1), the Administrator, by notices (particulars of which are set out in the following Table), appointed the "police officer for the time being holding the office" set out in the fourth column of the Table, to be the Licensing Inspectors in respect of the areas set out in the third column of the Table:—

Date on which notice made.	Date on which published in <i>N.G. Gaz.</i>	Area specified.	Office held.
26.6.1935	29.6.1935	District of Kieta	District Officer Kieta
26.6.1935	29.6.1935	District of Madang	District Officer Madang
26.6.1935	29.6.1935	District of Manus	District Officer Manus
26.6.1935	29.6.1935	District of Morobe (exclusive of Wau Police District)	District Officer Morobe
26.6.1935	29.6.1935	District of New Britain (exclusive of Rabaul Police District)	District Officer New Britain
26.6.1935	29.6.1935	District of New Ireland	District Officer New Ireland
26.6.1935	29.6.1935	Rabaul Police District	Officer-in-charge of the Rabaul Police District (not being a police officer below the rank of inspector)
26.6.1935	29.6.1935	Sepik District	District Officer Sepik
26.6.1935	29.6.1935	Wau Police District	Officer-in-charge of the Wau Police District (not being a police officer below the rank of inspector)

Before he made the above appointments the Administrator, had from time to time, by notices published in *N.G. Gaz.*, appointed Licensing Inspectors individually by name within specified areas, and had similarly terminated such appointments. All individual appointments had been terminated by notices published in *N.G. Gaz.* prior to the notices dated 26.6.1935 and published in *N.G. Gaz.* of 29.6.1935.

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- (b) in the months of January and June in every year, furnish a report to the Clerk and to the Chief Licensing Inspector on the manner in which the licensed premises inspected under this section are conducted and managed, and in particular in regard to the food supplied and accommodation provided in the licensed public houses inspected; and
- (c) forward particulars of all convictions of a licensee under any law of the Territory to the Clerk and to the Chief Licensing Inspector.

PART III.—LICENCES AND PERMITS.

18.—(1.) Except as expressly provided in this Ordinance, a person shall not directly or indirectly sell any liquor or permit any liquor to be sold, and a person shall not directly or indirectly supply any liquor or permit any liquor to be supplied in a club, without being licensed so to do pursuant to this Ordinance, and a licensed person shall sell or, if the holder of a club licence, supply liquor only under the conditions prescribed and in the premises licensed.

Restrictions
on sale, &c.,
of liquor.

Penalty: For the first offence, Fifty pounds; for the second offence, One hundred pounds or imprisonment for six months; and for any offence subsequent to the second, imprisonment for twelve months.

(2.) The last preceding sub-section shall not apply to any person who, as the employee or manager of and for the use and benefit of the licensee in pursuance of the authority conferred by the licence, sells, supplies or disposes of liquor in the licensed premises of the licensee under the prescribed conditions.

(3.) Upon any conviction under this section of a person who is not the holder of a licence under this Ordinance, the offender shall forfeit to the Administration all liquor in his possession with the vessels containing the liquor.

18A.—(1.) A person shall not brew any liquor unless he holds a licence or a permit to do so granted by the Administrator.

Brewing and
distilling
of liquor.

Penalty: For the first offence, Fifty pounds; and for any subsequent offence, One hundred pounds or imprisonment for six months.

Section 18A
inserted by
No. 13 of 1934,
s. 3; substituted
by No. 33 of
1936, s. 3.

(2.) An application for a licence under this section shall be in accordance with the prescribed form and shall be accompanied by the prescribed licence fee.

(3.) A licence granted under this section shall remain in force for twelve months from the date of the grant of the licence, and may be renewed on payment of the prescribed licence fee.

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(4.) A licence granted under this section shall be in respect of the premises specified in the licence.

(5.) Notwithstanding the provisions of this Ordinance, a licence granted under this section shall authorize the licensee to brew liquor, and to sell and dispose of liquor brewed by him on the licensed premises in quantities of not less than two gallons.

(6.) A licence granted under this section may be transferred with the written permission of the Administrator.

(7.) A permit granted under this section shall remain in force for twelve months from the date of the grant of the permit, and may be renewed.

(8.) A permit granted under this section shall be in respect of the premises specified in the permit.

(9.) A permit granted under this section shall authorize the permittee to brew liquor for such purposes other than sale, and on such conditions, as are specified in the permit.

(10.) The grant of a licence or a permit under this section shall not be deemed to confer on the licensee or the permittee, or any person claiming through the licensee, any right to a renewal, and the renewal of a licence or a permit shall not confer any right to a further renewal; and compensation shall not be payable by the Administration to any person on account of the non-renewal of any licence or permit.

(11.) Any person who distils any liquor shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

(12.) Except as otherwise expressly provided, the provisions of this Ordinance other than the provisions of this section and of section seventy of this Ordinance shall not apply to an application, a licence, or a permit under this section.

Sub-section
(12) added by
No. 3 of 1937,
s. 3.

Grant, &c., of
certificates,
licences, and
permits.

19.—(1.) Subject to the provisions of this Ordinance, the Commissioner may grant or refuse any application for the grant of any certificate or the grant, renewal, transfer or removal of any licence or the grant of any permit.

(2.) Every licence and permit granted, and every licence renewed or transferred, shall be under and subject to this Ordinance, and, on demand, shall be produced to an inspector or authorized police office.⁽⁴⁾

(3.) Every licence (except a booth licence) shall take effect from the day of issue and continue in force until the thirty-first day of October then next ensuing (both days inclusive), if not cancelled or suspended or become void, and may be renewed from year to year on application to the Commissioner as in this Ordinance provided.

(4) The words "police office" appeared in the original Ordinance. The word "office" has now been omitted and the word "officer" inserted in its stead by the First Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

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(4.) The grant of a licence, or a certificate authorizing the issue of a licence, shall not be deemed to confer on the grantee, or any person claiming through the grantee, any right to a renewal, and the renewal of a licence shall not confer any right to a further renewal.

(5.) Compensation shall not be payable by the Administration to any person on account of the suspension, cancellation or non-renewal of any licence, or the cancellation of any certificate.

(6.) If a licence is lost or for any reason cannot be produced, the Commissioner, on application, may authorize the issue of a duplicate licence, for which authority a fee of Two pounds shall be paid.

(7.) The prescribed licence fee shall be paid before the issue of any licence.

(8.) In the case of a licence being issued for a period of less than one year, such proportional amount only of the licence fee as is determined by the Commissioner shall be payable by the licensee.

20. Any licence granted under any Ordinance repealed by this Ordinance and existing at the date of the commencement of this Ordinance shall, unless otherwise expressly provided by this Ordinance, for the then unexpired term thereof respectively, be held subject to the provisions of the repealed Ordinance where such provisions are inconsistent with the provisions of this Ordinance.

Existing licences to be under repealed Ordinance.

21. Every licence granted shall be in respect of the premises specified therein.

Licences to be in respect of specified premises.

22.—(1.) Notwithstanding anything contained in this Ordinance, a licence shall not, except with the consent in writing of the Administrator, be granted so as to give any right to any person to sell any liquor in an uncontrolled area.

Uncontrolled areas.

(2.) For the purpose of this section, “uncontrolled area” means any area declared by the Administrator, by proclamation⁽⁵⁾ in the *New Guinea Gazette*, to be, for the purposes of the *Uncontrolled Areas Ordinance 1925-1926*,⁽⁶⁾ an uncontrolled area.

23. The licences which may be granted under this Ordinance shall be of the following classes:—

Nature of licences.

(a) Publican's licences;

(b) Storekeeper's licences;

(5) See the proclamations under the *Uncontrolled Areas Ordinance 1925-1938*, printed below, title UNCONTROLLED AREAS.

(6) Now the *Uncontrolled Areas Ordinance 1925-1938*.

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- (c) Booth licences;
- (d) Packet licences; and
- (e) Club licences.

Publican's
licence.

24.—(1.) Subject to the provisions of this Ordinance, a publican's licence shall authorize the licensee to sell, supply and dispose of liquor on the licensed premises—

- (a) during trading hours;
- (b) between the hours of twelve noon and half-past two in the afternoon, and six and nine in the evening, of any day, as part of a meal, to persons having on the premises a meal for which a price (excluding the price of any liquor) of not less than Two shillings is paid; and
- (c) at any time to lodgers for consumption on the premises by those lodgers.

(2.) The holder of a publican's licence may not have or establish on the licensed premises more than one bar-room.

(3.) The annual fee to be paid for a publican's licence shall be as prescribed.

Conditions of
grant or
renewal of
publican's
licence.

25. A publican's licence shall not be granted or renewed in respect of any house unless—

- (a) the house contains for public accommodation—
 - (i) if in the town of Rabaul, not less than fourteen bedrooms, one sitting room, and one dining room, besides the rooms occupied by the family and employees of the applicant, together with a suitable complement of bedding and furniture; and
 - (ii) if elsewhere in the Territory, not less than six bedrooms, one sitting room, and one dining room, besides the rooms occupied by the family and employees of the applicant, together with a suitable complement of bedding and furniture;
- (b) every bedroom required by this section to be provided for public accommodation is so constructed as to freely admit light and air, and contain at least one thousand three hundred cubic feet, except in the case of a bedroom intended for the accommodation of one person only which contains at least one thousand one hundred cubic feet;

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- (c) every sitting room and dining room required by this section to be provided for public accommodation contains at least three thousand cubic feet;
- (d) the house is shown to be a well-appointed and sufficient eating house, with appliances requisite for daily serving meals to guests;
- (e) the house is substantially constructed of durable materials, and the rooms are suitably furnished;
- (f) the house is provided, in accordance with the law, with baths and closets for lodgers, and closets and other sanitary conveniences for the use of the public frequenting the hotel, and is provided with such additional baths, closets, and sanitary conveniences as the Commissioner thinks necessary;
- (g) seating and table accommodation, at which liquor may be served and consumed, is provided in the house to the satisfaction of the Commissioner; and
- (h) every dining room and kitchen is protected from the ingress of flies and insects as the Commissioner thinks sufficient:

Provided that nothing in paragraph (a), (b) and (c) of this section shall require, for two years after the date of the commencement of this Ordinance, any structural alterations to be made in any house licensed at the date of such commencement.

26.—(1.) A storekeeper's licence shall authorize the licensee to sell and dispose of liquor, other than ale or beer, by the case or bottle, and ale or beer in quantities of not less than two gallons, on the licensed premises between the hours of eight in the morning and five in the afternoon on such days as stores may lawfully be kept open under any law for the time being in force relating to the closing of stores.

Storekeeper's
licence.

(2.) The annual fee to be paid for a storekeeper's licence shall be as prescribed.

(3.) The premises so licensed shall for the purposes of this section be deemed a store under any law for the time being in force relating to the closing of stores.

27.—(1.) A booth licence shall authorize the licensee (being also the holder of a publican's licence) to sell, supply and dispose of liquor during trading hours, in a booth at the fair, races, show, recreation ground or other place of public sports specified in the licence, and not elsewhere, on the days (not exceeding three consecutive days) specified in the licence:

Booth licence.

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Provided that a booth licence shall not be granted so as to permit the sale or supply of liquor at any athletic sports, games or contests wholly or mainly held or engaged in by natives or by scholars of any educational establishment, or by members of any association or society the majority of the members whereof are minors.

(2.) The fee for a booth licence shall be Two pounds for each day for which the licence is granted.

(3.) Notice of application for a booth licence shall be given in writing to the inspector and the Clerk at least seventy-two hours before the application is made.

(4.) If the application is objected to, it shall be heard and determined by the Commissioner, but if not objected to, it shall be deemed to be granted, and the Clerk may issue the licence on receipt of the prescribed fee.

(5.) Objection to the grant of a booth licence may be taken by any person.

(6.) If liquor is sold under a booth licence for the benefit and profit of any person or body other than the licensee, that person or body, the person who sold the liquor and the licensee shall be guilty of an offence.

Penalty: Fifty pounds.

(7.) In Districts other than the District of New Britain, the District Officer in charge of the District may, though notice has not been given to the Clerk as provided in sub-section (3.) of this section, exercise all the powers and functions by this section given to the Commissioner or the Clerk.

Packet licence.
Sub-section (1)
amended by
No. 21 of 1933,
s. 4.

28.—(1.) A packet licence shall authorize the master for the time being of the vessel therein mentioned, being a vessel by which passengers are conveyed from any place within the Territory to any other place within the Territory or without the Territory, to sell and dispose of liquor between the hours of seven in the morning and ten in the evening to any passenger on board of such vessel during her passage between such places:

Provided that such licence shall not be granted in respect of a vessel habitually making a voyage the extreme points of which are not more than forty miles apart.

Sub-section
(1A) inserted
by No. 21 of
1933, s. 4.

(1A.) Any application for a packet licence⁽⁷⁾ for any vessel shall be made by the owner or agent of such vessel.

(2.) The annual fee for a packet licence shall be as prescribed.

(7) See Section 4(2) of the *Liquor Ordinance* 1933, printed on p. 3120.

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29.—(1.) Subject to the provisions of this Ordinance, a club licence shall authorize the supply and disposal on the club premises of liquor— Club licence.

- (a) in trading hours to members of the club (whether subscribing or honorary) for consumption by those members or their guests;
- (b) at any time in a residential club to members who are lodgers, for consumption on the premises by those members; and
- (c) between the hours of twelve noon and half-past two in the afternoon, and six and nine in the evening, of any day, as part of a meal, to members or their guests having on the premises a meal for which a price (excluding the price of any liquor) of not less than Two shillings is paid.

(2.) For the purposes of this section the expression “residential club” means a club the premises of which contain for the accommodation of the members not less than four bedrooms and one sitting room, besides the rooms occupied by the employees of the club, together with a suitable complement of bedding and furniture.

30.—(1.) A club licence may be granted, in respect of club premises, to the secretary of the club on behalf of the club, when an application is made by the secretary pursuant to a resolution of a majority of the members of the club, and may be renewed upon the application of the secretary, pursuant to a resolution of the committee of the club: Power to grant club licence to secretary.

Provided that the club—

- (a) is a bona fide association or body of not less than twenty adult subscribing members whose subscriptions are paid;
- (b) is established for social, literary, political, sporting, athletic or other lawful purposes;
- (c) from the joint funds of the members, provides and maintains accommodation suitable for the purposes of the club;
- (d) is the sole occupier of the club premises;
- (e) has a rule that a person is not entitled to derive any benefit or advantage from the club which is not shared equally by every member;
- (f) has a rule that the club shall hold a meeting of members once in every year for the election of a committee to manage the affairs of the club;

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- (g) has a rule providing that a visitor shall not be supplied with liquor on the club premises unless on the invitation and in the company of a member;
- (h) has a rule that liquor shall not be supplied to any person under the age of twenty-one years;
- (i) has a rule that liquor shall not be supplied to any member other than a lodger during prohibited hours;
- (j) makes no payment, and permits no payment to be made, to any secretary, employee or other person whatever by way of commission, profit or allowance from or upon the receipts from liquor disposed of in the club premises;
- (k) keeps on the club premises, and produces at the time of application a register of members showing the amount and date of payment of all members' subscriptions;
- (l) has a rule or rules providing for the proposal and election of all members (whether subscribing or honorary) and for the keeping of a permanent record of every such election; and
- (m) satisfies the Commissioner that the rules are enforced and observed.

(2.) On notice to the secretary by any person, and proof that any of the preceding rules or conditions have been broken, or that persons in a state of intoxication frequent or are frequently seen leaving the club premises, or that the club is conducted in a disorderly manner, or that the club premises have been used for any unlawful purpose, the Commissioner may suspend for a specified time, cancel or refuse to grant or renew any club licence.

(3.) Nothing in this section shall be taken to limit the discretion of the Commissioner to refuse the grant or renewal of any club licence for any cause deemed by the Commissioner to be sufficient and satisfactory, or to cancel the licence under section ninety-six of this Ordinance.

(4.) The annual fee to be paid for a club licence shall be as prescribed.

(5.) Upon a resolution of the committee of the club, and on application to the Commissioner, and on payment of a fee of One pound, the name of some other person may be substituted for that of the person to whom the licence was issued, and the licence and records shall be altered accordingly.

(6.) The provisions of section thirty-seven of this Ordinance shall not apply to applications made under the last preceding sub-section.

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(7.) Upon a resolution of the committee of the club, and on application to the Commissioner, a club licence may be altered by the substitution of other premises for the premises licensed, and the substituted premises shall thereupon become the club's licensed premises.

31.— * * * * *

Renewals.
Sub-section (1)
omitted by
No. 3 of 1937,
s. 4.

(2.) Renewals of licences granted under any Ordinance repealed by this Ordinance and existing at the time of the commencement of this Ordinance shall, if applied for, be applied for, and, if granted, be held, under and subject to the provisions of this Ordinance.

(3.) The first renewal granted under any application made under this Ordinance for renewal of any licence existing at the commencement of this Ordinance shall be for a period calculated from the date of the expiration of the existing licence until the thirty-first day of October next following the date of expiration.

(4.) The Commissioner shall hold such special sittings as shall be necessary for the purpose of hearing and determining applications for first renewals made under sub-section (3.) of this section.

(5.) In the case of a licence being renewed for a period of less than one year, a proportional amount only of the licence fee as is determined by the Commissioner shall be payable by the licensee.

(6.) The inspector shall report to the Commissioner on all applications for the renewal of licences, and objection may be taken to any renewal by any person, or by the Commissioner upon any report of the inspector.

(7.) The Commissioner may refuse to renew any licence because of breaches thereunder of the provisions of this Ordinance, or for any cause deemed by him to be sufficient and satisfactory.

(8.) It shall not be necessary for the applicant to attend the sitting personally unless he has received notice from the inspector that the application is objected to, or unless the Commissioner so directs.

32.—(1.) Subject to the provisions of this Ordinance, the Commissioner may transfer a publican's licence or a storekeeper's licence from the holder thereof to a person approved by the Commissioner, on the application jointly of the proposed transferee and—

Transfers.

(a) the licensee, if he is in occupation of the licensed premises or joins in the application;

(b) the owner or the person legally in occupation or entitled to occupation of the licensed premises; when the

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licensee no longer occupies or is no longer entitled to occupy the premises and refuses to join in the application;

- (c) the executor, administrator or other legal representative of a deceased licensee;
- (d) the Curator in Insanity or the committee of an insane licensee; or
- (e) the official trustee or the trustee in insolvency of an insolvent licensee.

(2.) The fee for every transfer shall be Five pounds.

(3.) The licence shall be transferred by endorsement thereon or, if for any reason the licence cannot be produced, by endorsement on a duplicate licence issued in pursuance of this Ordinance, and the person named in the endorsement shall thereon be the licensee.

(4.) Except for some special reason, a licence shall not be transferred unless it has been held by the licensee for at least nine months.

Death &c.
of licensee.

33.—(1.) Upon the death, insolvency or insanity of the licensee, his executor, administrator or other legal personal representative, or the husband or wife of the deceased (as the case may be), or his next of kin, or the official trustee or the trustee in insolvency, or the Curator in Insanity, or the committee of the insane licensee, as the case may be, may apply at any time to the Commissioner for permission to carry on, either by himself or a manager approved by the Commissioner, the business of the deceased, insolvent or insane licensee until the end of the term of the licence, or until a date to be fixed by the Commissioner, or until the licence is transferred, whichever first occurs.

(2.) If the Commissioner grants the application, the person so authorized to carry on shall have all the duties and shall be subject to all the penalties of a licensee under this Ordinance during the period specified.

(3.) The fee for the grant of an authority under this section shall be One pound.

Continuance
of licence
on behalf
of owner.

34.—(1.) Where the holder of a publican's licence has his licence cancelled, the Commissioner may, upon an application by or on behalf of the owner of the licensed premises in respect of which the licence was granted (where the owner is not the occupier), and upon being satisfied that the owner has legal power to evict the occupier (if any) of the premises, authorize the owner or the manager nominated by the owner to carry on the business of such premises until the end of the term of the licence, or until a date to be fixed by the Commissioner, whichever first occurs.

Liquor Ordinance 1931-1938.

(2.) The person authorized under the last preceding sub-section shall have all the duties and shall be subject to all the penalties of a licensee under this Ordinance during the period specified.

(3.) The fee for the grant of an authority under this section shall be One pound.

35.—(1.) The Commissioner may, on application, grant a special permit for liquor to be supplied and consumed during prohibited hours at any special function, ceremony or event for adult persons held at a licensed club or licensed public house, whether or not a charge is made for admission thereto or attendance thereat.

Permit to supply liquor during prohibited hours.

(2.) Every special permit shall specify the persons or class of persons included under the permit and the hours and rooms or places within which liquor may be consumed, and the supply of liquor to or the consumption of liquor by those persons or that class of persons under the specified conditions shall not be an offence.

(3.) Nothing in this section shall be read or construed as authorizing the sale of liquor or the keeping open of any bar-room during prohibited hours.

36.—(1.) An officer or employee of the Administration, or the wife of any such officer or employee, shall not hold a licence, or be a manager for or employee of any licensee, or have any beneficial interest in any licence:

Restriction on holding of licences.

Provided that this restriction shall not apply to the employment of the wife of an officer or employee of the Administration by the holder of a storekeeper's licence, or to any person acting in an honorary capacity as secretary of a club.

(2.) The holder of a publican's licence shall not hold, or have any beneficial interest in, more than one such licence in any one town.

Sub-section (2) amended by No. 33 of 1936, s. 4.

37.—(1.) Notice of every proposed application under this Ordinance shall be given to the Clerk, in duplicate, and shall set out the nature of the application, the premises to which it refers, and the date and time of day when the application is proposed to be made, and shall be signed by the applicant or his attorney.

Applications for licences, &c.

(2.) The Clerk, forthwith on receipt thereof, shall cause one of the duplicate notices to be affixed to a notice board at the entrance to his office, there to be kept until the time of application.

(3.) Thirty days before making an application, an applicant for the grant, renewal, removal or transfer of any licence (except a booth licence) shall give notice in writing to the Clerk and the inspector of his intention to apply.

Sub-section (3) amended by No. 3 of 1937, s. 5.

(4.) Notice of intention to apply for the grant, renewal, transfer or removal of a publican's licence or for the grant or removal of

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a club licence shall be published in some newspaper published and circulating in the Territory at least twenty-one days before the application is made.

(5.) The inspector shall make inquiry as to the character, fitness and capacity of the applicant or any manager to conduct the proposed business, and report in writing or by radio-telegram thereon to the Commissioner, not less than seventy-two hours before the hearing of the application.

(6.) The Commissioner shall take into consideration the report, which shall be open to the inspection of the applicant prior to the hearing.

(7.) Every application concerning any licence or permit may be objected to by any person.

Objections.

38.—(1.) Notice, in writing, of any objection to the grant, renewal, transfer or removal of any licence under this Ordinance (except a booth licence) shall be given to the Clerk and to the applicant or his attorney at least five clear days before the day on which the application is to be heard:

Provided that the Commissioner may hear any objection made at the hearing of the application, though notice thereof has not been given; but the applicant shall then be entitled to an adjournment of the hearing for any time the Court thinks fit.

(2.) All objections shall be heard or determined by the Commissioner.

(3.) Where objections are held to be frivolous, the Commissioner may award costs, not exceeding Fifteen pounds, against the objector, and such sum may be recovered in the same manner as any sum of money ordered to be paid by any order of a District Court:

Provided that costs shall not be awarded where an objection is made by an inspector.

Plan of premises to be lodged with application for publican's licence.

39.—(1.) A plan of the premises proposed to be licensed and showing the prescribed details shall be lodged with every application for a publican's licence, and the inspector shall report to the Commissioner on the extent and class of accommodation required under the licence for the convenience of the public.

(2.) After the grant or renewal of a publican's licence, the premises licensed and the accommodation thereof shall not be altered except on application to and by permission of the Commissioner.

Plans to be lodged with applications for renewal in certain cases.

40. Where a plan showing the prescribed details of premises licensed as a public house at the time of the coming into operation of this Ordinance has not been previously lodged, such plan shall be lodged with the next application for a renewal of the licence.

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41.—(1.) Every person who desires to obtain a publican's licence for premises—

Conditional application for licence for new premises.

- (a) proposed to be erected;
- (b) not at the time completed or fit for occupation; or
- (c) already erected, but requiring additions or alterations to provide the accommodation proposed,

shall give the prescribed notice, lodge the prescribed plan, and make application for a conditional certificate authorizing the issue of the licence on the completion or alteration of the premises within a stated period.

(2.) Subject to the provisions of this Ordinance in respect of an application for a new publican's licence, the Commissioner may grant the application on terms and conditions to be set out in a conditional certificate.

(3.) A licence shall not be issued pursuant to the certificate until the Commissioner certifies thereon in writing that the specified conditions have been complied with.

(4.) The Commissioner on application may extend the time for the completion of any work specified in any certificate for a further period not exceeding four months.

(5.) On the completion of the premises the applicant shall notify the inspector thereof.

(6.) The inspector shall report to the Commissioner on the progress and completion or non-completion of any such work within the time limited.

(7.) If the specified conditions are not complied with within the time limited or within any extended period (if any) specified by the Commissioner (as the case may be), the certificate shall become void and of no further effect.

42.—(1.) Where the holder of a licence, other than a booth, packet or club licence, is not bound by contract to maintain the licence on the premises licensed, and in any case in which the owner of the licensed premises consents in writing to the application, and where the holder of the licence has the right of occupation of proposed new premises, the Commissioner may, on the application of the licensee, permit the removal of the licensed business to new premises and amend the licence by substituting the proposed premises for those in the licence, and thereupon the substituted premises shall be the licensed premises accordingly.

Removal of licence.

(2.) Where, in respect of any such application, new buildings or alterations or additions to existing buildings are required to provide the accommodation necessary for the requirements of the public, the licensee may apply for a conditional certificate authorizing the substitution of the new premises when completed, and the Commis-

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sioner may grant the certificate on such terms and conditions as he thinks fit and specifies in the certificate.

(3.) A licence shall not be amended pursuant to the certificate, except on application by the licensee within the time limited therein and on report from the inspector that the specified conditions have been complied with.

Company may hold licence.

43.—(1.) Subject to the provisions of this Ordinance, a company registered under the laws of the Territory relating to companies may become the holder of any licence.

(2.) A company applying for the grant, renewal or transfer of any licence shall appoint some person as its manager directly to represent it in the conduct of the licensed business, and the licence shall state the manager's name.

(3.) The Commissioner may, at any time, on the application of the company and on the payment of a fee of Two pounds, substitute the name of another person as manager and amend the licence and records accordingly.

(4.) When authorized so to do by a company, the manager or any director, secretary or employee may, on behalf of the company, give any notice, make any application or carry out any duty required in respect of the licence.

(5.) Every company being the holder of any licence shall be liable for any offence in respect of the licence as if it were a private person, and shall be subject to the same penalties, so far as these penalties are enforceable against a company.

(6.) If the manager or any director, secretary or employee of such company is guilty of an offence or knowingly authorizes or permits any offence, in respect of the licence, he shall also be liable therefor.

(7.) A company shall not, directly or indirectly, hold, or have a beneficial interest in, a licence, otherwise than pursuant to this Ordinance.

Licensee or manager to reside on premises.

44.—(1.) The holder of a publican's licence shall reside on the licensed premises specified in his licence or be represented by a manager approved by the Commissioner.

(2.) The appointment of a manager shall be in writing; and he shall, during the subsistence of the licence, reside on the licensed premises, except when the licensee is himself residing thereon.

(3.) Not more than one manager shall be appointed in respect of one licence at the same time.

(4.) When the appointment has been approved by the Commissioner, the manager shall, until written notice of the revocation of his appointment or his resignation is filed with the Clerk, be

deemed to be the person licensed in respect of the premises ; but this shall not absolve the licensee named in the licence from any liability under this Ordinance.

45.—(1.) If from any cause licensed premises become unfit for the purposes of the licence, or no longer have the accommodation required by the public, the owner, or the licensee with the consent of the owner, may apply to the Commissioner for permission to rebuild, alter or add to the premises or otherwise bring them into conformity with the requirements of the locality, and shall submit with the application plans showing the nature and extent of the alterations proposed.

Rebuilding
of licensed
premises.

(2.) The Commissioner may, subject to the laws with respect to the erection of, and alterations to, buildings, grant the permission subject to such conditions as to the time for completion and otherwise as he thinks fit, and may on application extend the time for completion.

(3.) Pending the completion of the work, the Commissioner may give authority for the business to be suspended wholly or in part, or carried on in neighbouring premises or without the accommodation required under this Ordinance, and the licence may be renewed notwithstanding that temporary non-compliance with its conditions.

(4.) When use is made of neighbouring premises, they shall be included under the licence during the use.

(5.) An inspector may, by notice in writing, direct the owner or licensee to make the application provided for in this section, and, if the application is not made within forty days after the service of the notice, the Commissioner on application may suspend or may refuse to renew the licence.

46.—(1.) Any person aggrieved by any determination of the Commissioner in any cause or matter determined by him may apply for a rehearing, and, if it is shown that new evidence is available which could not have been previously submitted, or that the decision was erroneous in some point of law, the Commissioner may rehear the cause or matter.

Rehearing.

(2.) Every person affected by the rehearing shall have a right to be heard in the proceedings.

(3.) Notice of every such application shall be given to the Clerk, and to any person to whom the Clerk shall in writing direct notice to be given, within forty days after the determination objected to.

(4.) A fee of Two pounds shall be paid for setting down every such application.

47.—(1.) Every holder of a publican's licence or a club licence shall keep a register on the licensed premises in which there shall

Register of
lodgers.

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be entered at the time the lodger is accepted as a lodger by the licensee—

- (a) the name of every lodger who takes up his residence in the licensed premises; and
- (b) the date and hour of the day or night on or at which the residence is taken up and terminates.

(2.) Any holder of a publican's licence or a club licence who fails to comply with the provisions of the last preceding sub-section shall be guilty of an offence.

Penalty: Ten pounds.

PART IV.—OFFENCES.

Licensee to supervise and carry on business.

48. Any holder of a publican's licence under this Ordinance or any Ordinance repealed by this Ordinance who, except as in this Ordinance provided—

- (a) absents himself from the management and superintendence of the business carried on under the licence for a longer period than fourteen days without the permission in writing of the Commissioner or, in a District other than the District of New Britain, of a District Officer; or
- (b) permits any unlicensed person to be in effect the keeper of the licensed premises,

shall be guilty of an offence.

Penalty: Twenty pounds.

Supply of liquor to intoxicated persons, children, &c.

49. Any licensee under this Ordinance or any Ordinance repealed by this Ordinance who sells, gives or supplies, or permits any person to sell, give or supply, any liquor—

- (a) to an intoxicated person or to an habitual drunkard;
- (b) to a boy or girl apparently under the age of eighteen years; or
- (c) to a person who is insane or reasonably suspected to be insane,

shall be guilty of an offence.

Penalty: Twenty pounds.

Sale of liquor during prohibited hours.

50. Any licensee under this Ordinance or any Ordinance repealed by this Ordinance who, during prohibited hours, keeps his licensed premises open for the sale of liquor, or sells or supplies any liquor, or permits any liquor to be consumed on his licensed

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premises, except as provided in this Ordinance, shall be guilty of an offence.

Penalty: Not less than Ten pounds nor more than Fifty pounds.

51. Any licensee under this Ordinance or any Ordinance repealed by this Ordinance who, during prohibited hours, carries away, or permits any person to carry away, liquor from his licensed premises shall be guilty of an offence.

Licensee carrying away liquor &c. during prohibited hours.

Penalty: Twenty pounds.

52. Every holder of a publican's licence or of a club licence under this Ordinance or any Ordinance repealed by this Ordinance who—

Maintenance of licensed premises in clean and sanitary condition.

- (a) fails to maintain the sanitary appliances on his licensed premises, and the place in which they are, in a good sanitary condition;
- (b) fails to keep the licensed premises in a clean and sanitary condition and free from offensive or unwholesome matter; or
- (c) fails to cleanse and disinfect thoroughly all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, closets, cesspools, and drains of the licensed premises to the satisfaction of, and as often as is required by, or in accordance with any written order of, an inspector,

shall be guilty of an offence.

Penalty: Twenty pounds.

53. Any licensee under this Ordinance or any Ordinance repealed by this Ordinance who knowingly permits any person whose licence has been cancelled under this Ordinance or any Ordinance repealed by this Ordinance, or to whom any licence has been refused by reason of bad character or misconduct, to be employed in any capacity on his account on his licensed premises, within a period of two years from the date of such cancellation or refusal, shall be guilty of an offence.

Employment of persons deprived of or refused licence.

Penalty: Twenty pounds.

54. Any holder of a publican's licence or a club licence under this Ordinance or any Ordinance repealed by this Ordinance who knowingly suffers or permits any common prostitute, thief, intoxicated or disorderly person, or person of notoriously bad character to be or continue upon his licensed premises, or the appurtenances thereto shall be guilty of an offence.

Permitting thieves, intoxicated persons, &c. on premises.

Penalty: Twenty pounds.

Harbouring,
and supply
of liquor
to, police.

55. Any licensee under this Ordinance or any Ordinance repealed by this Ordinance who—

- (a) knowingly harbours or knowingly suffers to remain on his premises any police officer, in uniform, during any part of the time appointed for that police officer to be on police duty, unless for the purpose of keeping or restoring order or in the execution of his duty, or supplies any liquor to any such police officer; or
- (b) by himself or his employee, permits any person known to be a police officer to become intoxicated on his licensed premises or to be supplied with liquor while intoxicated,

shall be guilty of an offence.

Penalty: Twenty pounds.

Giving rewards,
bribes, or
loans to police.

56. Any licensee under this Ordinance or any Ordinance repealed by this Ordinance who—

- (a) gives, offers or promises to give any fee, perquisite, gratuity or reward to any inspector or police officer; or
- (b) bribes or attempts to bribe any inspector or police officer, or gives or offers to give money or other valuable thing, or lends or offers to lend money, to any inspector or police officer,

shall be guilty of an offence.

Penalty: One hundred pounds.

Subletting
bar.

57. Any licensee under this Ordinance or any Ordinance repealed by this Ordinance who lets or sublets any bar-room or the right to sell any liquor shall be guilty of an offence.

Penalty: Not less than Twenty pounds nor more than Fifty pounds.

Supply of
liquor to
natives.

58. If any person licensed to sell liquor under this Ordinance or any Ordinance repealed by this Ordinance is convicted, under the provisions of the *Arms, Liquor and Opium Prohibition Ordinance 1921-1924*,⁽⁸⁾ of supplying any native by sale, gift or in any other way, either directly or indirectly, with intoxicating liquor as defined by that Ordinance, the Court that convicts such person may, in addition to any penalty which under the last-mentioned Ordinance it may impose upon the person, cancel any licence that the person holds under this Ordinance or any Ordinance repealed by this Ordinance.

(8) Now the *Arms, Liquor and Opium Prohibition Ordinance 1921-1938*.

59.—(1.) Any person who—

Adulteration
of liquor.

- (a) mixes, or causes or permits to be mixed, with any liquor sold, or offered or exposed for sale, by him any deleterious ingredient;
- (b) sells, or offers or exposes or has for sale, any adulterated liquor or liquor containing any ingredient deleterious to health; or
- (c) has on any premises where any liquor is sold or exposed for sale any substance, matter or thing of a deleterious character which it may be reasonably inferred is kept for the purpose of adulterating or mixing with liquor,

shall be guilty of an offence.

Penalty: Not less than Fifty pounds nor more than One hundred pounds, or imprisonment for any term not exceeding six months with or without hard labour, and, on conviction for a second offence, the Court shall, in addition, disqualify the defendant from applying for, or obtaining or holding, a licence, or transfer or renewal of a licence, under this Ordinance.

(2.) A person shall not be liable to a penalty under this section if he satisfies the Court that such liquor was, when the alleged offence against paragraph (b) of the last preceding sub-section was committed, in the same condition as it was when it came into his possession by a bona fide purchase and was not adulterated or mixed with any deleterious substance by him or any person acting under his authority or in his employ, or where an offence against paragraph (c) of the last preceding sub-section is alleged, that the substance, matter or thing was not kept for adulterating or mixing with liquor.

.60.—(1.) Any licensee who receives, in payment or as a pledge for any liquor supplied on his licensed premises, anything except current money, bank notes, cheques on banks, postal notes or postal money orders, or takes any such notes, cheques or orders at less than full nominal value thereof shall be guilty of an offence.

Sale of liquor
on credit.

Penalty: Twenty pounds.

(2.) A publican shall not sell liquor except for payment received before or at the time of sale:

Provided that, if liquor is sold or supplied for consumption with a meal supplied at the same time and is consumed with such meal, this sub-section shall not be deemed to be contravened if the price of the liquor is paid together with the price of or immediately after such meal.

(3.) Any person who buys liquor from a publican and who

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refuses to pay for such liquor at the time of such sale shall be guilty of an offence.

Penalty: Five pounds.

(4.) A debt incurred for intoxicating liquor sold in contravention of the provisions of this section shall be irrecoverable.

Supply of meals and accommodation.

61. Any publican who refuses without lawful excuse to supply meals or accommodation at any reasonable time, provided that a reasonable sum is tendered in payment therefor, shall be guilty of an offence.

Penalty: Twenty pounds.

Failure to pay for accommodation an offence.

62. Any person who, after being provided by a publican with food and accommodation, or accommodation, on any licensed premises, fails or refuses to pay any amount owing for food and accommodation, or accommodation (as the case may be), within seven days after demand by the publican or, if no demand has been made, within fourteen days after ceasing to be a lodger in the licensed premises, shall be guilty of an offence.

Penalty: Twenty pounds or imprisonment for three months.

Purchase or consumption of liquor on licensed premises during prohibited hours.

63.—(1.) Any person who, except as in this Ordinance provided, purchases or obtains liquor, or is found consuming liquor on licensed premises during prohibited hours shall be guilty of an offence.

Penalty: Not less than Two pounds nor more than Ten pounds.

(2.) It shall not be an offence for a person to purchase, obtain or consume liquor on licensed premises in prohibited hours if that person—

- (a) is the licensee or the manager for the licensee;
- (b) is a member of the licensee's or manager's family or an employee (not being a native) of the licensee living, staying or working on the licensed premises;
- (c) is a person entitled under this Ordinance to be supplied with liquor on the licensed premises during prohibited hours; or
- (d) is a person entitled to be supplied with liquor thereon under a special permit.

Females not to be employed in or about licensed premises.

64.—(1.) Any licensee who employs any female in any capacity, or permits any female to serve in any capacity, in or about the bar-room of any licensed premises at any time while the bar-room is open for the sale of liquor shall be guilty of an offence.

Penalty: Ten pounds.

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(2.) Nothing in this section shall apply to the employment or service of—

- (a) the wife, sister or daughter of the licensee of the premises or the partner of the licensee in relation to the licensed premises; and
- (b) the licensee being a woman.

65.—(1.) Any licensee who—

- (a) permits a native to be employed in any bar-room on his licensed premises for the purpose of serving liquor; or
- (b) leaves his licensed premises or any bar-room solely in charge of a native,

Employment of natives in bar-room.

shall be guilty of an offence.

Penalty: Fifty pounds.

(2.) Notwithstanding the provisions of any law to the contrary, a licensee may employ a native to convey liquor from the bar-room or other place to a customer on the licensed premises.

66. Any licensee under this Ordinance or any Ordinance repealed by this Ordinance who permits or suffers any person to—

- (a) play any unlawful game or sport; or
- (b) exercise, expose, open or show to be played, thrown or drawn any lottery,

Prohibition of unlawful games and of lotteries on licensed premises.

on his licensed premises or the appurtenances thereof shall be guilty of an offence.

Penalty: Twenty pounds.

67. Any licensee under this Ordinance or any Ordinance repealed by this Ordinance, who is found intoxicated on any part of his licensed premises to which the public have access, shall be guilty of an offence.

Licensee intoxicated on licensed premises.

Penalty: Ten pounds.

68. Any justice, if any riot or tumult happens or is expected to take place, may order that the holder of any publican's licence or club licence in a town or place where such riot or tumult happens or is expected to take place, shall close the licensed premises for any time that the justice so orders, and any such licensee who fails or refuses to obey such order shall be guilty of an offence.

Power to close licensed premises in case of disorder.

Penalty: Twenty pounds.

69.—(1.) Any licensee, his manager or employee may refuse to admit into, or may turn out of, his licensed premises any person who is intoxicated, violent, quarrelsome, indecent or disorderly, or who is using disgusting, profane or foul language, or any person

Power to exclude intoxicated persons and others.

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whose presence on his premises would subject him to a penalty under this Ordinance; and any police officer, on the demand of the licensee, shall expel or assist in expelling any such person and may use such force as is required in so doing.

(2.) Any person refusing to quit the premises, or resisting removal therefrom, shall, in addition to any penalty to which he may be liable for his conduct under this or any other Ordinance, be guilty of an offence.

Penalty: Five pounds.

Entry upon
licensed
premises.

70. Any inspector or authorized police officer may demand admittance into, and may enter into and search, any licensed premises or any part thereof at any time by day or night, and, if admittance is refused or delayed, may break into the premises.

Obstruction of
inspectors, &c.

71. Any person who—

- (a) refuses or delays admittance to or obstructs the entrance of any inspector or authorized police officer into licensed premises;
- (b) refuses to permit any inspector or authorized police officer to make any search on licensed premises, or hinders or delays any such search; or
- (c) obstructs or hinders any inspector or authorized police officer in the performance of any of his duties under this Ordinance or in the execution of any of the powers by this Ordinance vested in or conferred on him,

shall be guilty of an offence.

Penalty: Fifty pounds.

Abandonment
of public-house
or storekeeper's
premises.

72.—(1.) Any publican who abandons his licensed premises, or wilfully and persistently neglects to keep his licensed premises open for public convenience during trading hours, shall be guilty of an offence and shall on conviction by a District Court be liable to have his licence cancelled.

(2.) Any licensed storekeeper who abandons his licensed premises, or wilfully and persistently neglects to keep his licensed premises open for the sale of liquor as allowed by his licence during ordinary business hours, or to keep liquor for sale on his licensed premises, shall be guilty of an offence and shall on conviction by a District Court be liable to have his licence cancelled.

Opening or
consuming
liquor in
store.

73. Any person who has purchased any liquor from any person holding a storekeeper's licence, who consumes the liquor or opens any bottle or other vessel containing the liquor on the licensed premises shall be guilty of an offence.

Penalty: Not less than Two pounds nor more than Ten pounds.

Liquor Ordinance 1931-1938.

74. If any person holding a storekeeper's licence, with intent to evade the provisions of this Ordinance, takes or carries, or authorizes, empowers, permits or suffers any person to take or carry, any liquor out of or from the licensed premises of the licensed person for the purpose of being sold on his account or for his benefit, or of being consumed in any other premises whatever belonging to or hired, used or occupied by the licensed person, the liquor shall be deemed to have been consumed upon the licensed premises of the licensed person, and he shall be guilty of an offence.

Evasion of provisions disallowing consumption on store premises..

Penalty: Fifty pounds.

75.—(1.) An inspector or authorized police officer may at any time—

Power to search for and seize adulterated liquor, &c.

- (a) enter the premises of or any premises occupied or used by any person (in this section referred to as "the vendor") selling, or keeping or offering or exposing for sale, any liquor;
- (b) search such premises for the purpose of ascertaining whether the vendor has, in or upon the premises, any substance, matter or thing of a deleterious character which it may reasonably be inferred is kept for the purpose of adulterating or mixing with the liquor sold, or kept or offered or exposed for sale, or has for sale any adulterated liquor containing any deleterious ingredient;
- (c) seize and take away any liquor whatsoever which he has reasonable grounds for believing to be adulterated, or to contain any deleterious ingredient, or to be unfit for human consumption, and also any substance, matter or thing which he has reasonable grounds for believing to be of a deleterious character, and which he discovers on the premises of the vendor; and
- (d) on such premises or elsewhere, submit any liquor, substance, matter or thing seized, or any sample thereof, to any test or analysis which he considers necessary for determining whether the liquor is adulterated or contains any deleterious ingredient, or is fit for human consumption, or whether the substance, matter or thing is of a deleterious character.

(2.) All liquor of the like kind to that seized, and all substances, matters and things of a deleterious character, found upon the premises shall be confiscated upon the order of the convicting District Court:

Provided always that—

- (a) the inspector or authorized police officer shall, if re-

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quested by the vendor at the time of seizure, in his presence, set aside in a separate vessel or vessels for analysis a sample of the liquor, substance, matter or thing seized, and shall annex to every such vessel the name and address of the vendor, and shall, with such seal or seals (if any) as the vendor furnishes, secure such vessel, name and address in such manner that the vessel cannot be opened or the name and address taken off without breaking such seal or seals, and shall also, if thereunto required, leave with the vendor a vessel containing a corresponding sample and the name and address of the vendor secured thereto by the inspector with his own seal in manner aforesaid; and

- (b) evidence of the analysis of the sample so sealed shall not be receivable upon the hearing of any information under this section, unless previous to the opening of the vessel containing such sample reasonable notice has been given by the inspector or authorized police officer to the vendor or by the vendor to the inspector or authorized police officer (as the case requires) of the time and place at which it is intended to open such sample for analysis in order that the vendor or inspector or authorized police officer may attend and inspect the condition of the seal or seals attached to such vessel.

Sending a person under age of sixteen for liquor.

76. Any person who sends a person under the age of sixteen years to licensed premises for the purpose of obtaining liquor shall be guilty of an offence.

Penalty: Ten pounds.

Carrying away liquor from licensed premises during prohibited hours.

77.—(1.) Any person who carries away liquor from any licensed premises during prohibited hours shall be guilty of an offence.

Penalty: Ten pounds.

(2.) A child under the age of sixteen years shall not be convicted of an offence against this section, if it is proved to the satisfaction of the District Court that the child was ordered or requested by some other person so to carry away the liquor.

Search of unlicensed premises.

78.—(1.) Upon sworn information, by a police officer or other credible person, that he has reason to believe that liquor is sold or kept for sale, in any premises described in the information, by a person not licensed to sell liquor, a justice may grant his warrant to the police officer named in the warrant to enter and search the premises by day or night.

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(2.) The police officer named in the warrant may enter and search the premises, and may, if admittance is refused or delayed, break into the premises, and seize and remove all liquor found therein and the vessels containing the liquor, and convey the liquor and vessels to the nearest District Court.

(3.) If the owner does not appear before the District Court within seven days after the seizure, or if he does so appear and it appears to the District Court after examination that the liquor was on the premises for the purpose of being illegally disposed of, the District Court may order the liquor and the vessels containing it to be sold, and, after payment of the expenses of the sale, the proceeds shall be paid to the revenue of the Territory.

79. Any person (other than the licensee) who pays the wages of any employee, or permits those wages to be paid, at or on any licensed premises shall be guilty of an offence. Payment of wages on licensed premises.

Penalty: Ten pounds.

80. Any publican who fails to exhibit and keep exhibited in a prominent place near the main entrance or booking office of the public house, a list of charges made for meals and sleeping accommodation shall be guilty of an offence. Exhibition of list of charges for meals, &c.

Penalty: Five pounds.

81.—(1.) Subject to this section, any holder of a publican's licence, packet licence, or club licence who fails or neglects to keep every door of the bar-room of his licensed premises shut and locked during prohibited hours shall be guilty of an offence. Bar-room to be locked during prohibited hours.

Penalty: Ten pounds.

(2.) It shall not be an offence against this section if the licensee causes a door of the bar-room of his licensed premises to be opened not more than fifteen minutes immediately before or after trading hours for any purpose other than the sale or disposal of liquor.

81A. A publican shall not store liquor on his licensed premises except in— Storage of liquor.

- (a) a bar-room;
- (b) a room shown as a storeroom on a plan of the licensed premises approved by the Commissioner at the time of granting, renewing, removing, or transferring the publican's licence;
- (c) a room shown as a storeroom on a plan lodged under section forty-one or forty-five of this Ordinance and approved by the Commissioner; or

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(d) a room or place approved by the Chief Licensing Inspector in writing as a place for storing liquor.

Penalty: Ten pounds.

Forfeiture of licence for offences against Ordinance.

82.—(1.) If, within a period of twelve months, a licensee is convicted of three offences against any of the provisions of this Ordinance, the Court by which the third conviction is recorded may order and adjudge that his licence shall be cancelled.

(2.) The licence shall thereupon cease to be of any force or effect, and the person whose licence is so cancelled shall thereupon be disqualified for a term of twelve months from holding any licence under this Ordinance.

(3.) The order cancelling the licence shall be in the prescribed form.

Pretending to be a lodger.

83. Any person who falsely represents himself to be a lodger within the meaning of this Ordinance, in order to obtain liquor during prohibited hours, shall be guilty of an offence.

Penalty: Ten pounds.

PART V.—MISCELLANEOUS.

Power to allow closing of licensed premises.

84. The Commissioner or any District Officer may grant permission to any licensee under this Ordinance to close his premises on any day on account of pressing necessity.

Publican's lien.

85. A publican shall have a lien over property brought by a person on to his licensed premises for the amount legally due for food and accommodation, or accommodation (as the case may be), provided for such person.

Power to sell property left in certain cases.

86.—(1.) If any person, after being provided with accommodation by a publican, leaves the premises of the publican without paying the amount legally due for food and accommodation, or accommodation (as the case may be), provided for him, and leaves on the premises any property for a longer period than two months without paying to the publican the amount so due, the publican may, on application to a District Court, with the sanction of the District Court and after publication of such notice or notices as the District Court directs, cause the property to be removed and disposed of by public auction.

(2.) The proceeds of the sale of any such property shall, after deduction of the proper charges of the sale and of the maintenance of the property, be handed over to the Clerk of the District Court authorizing the sale thereof, and shall to the extent of the amount due to the publican be paid to the publican by the Clerk of the

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District Court, and any surplus shall be paid by the Clerk of the District Court to the Treasurer of the Territory for the benefit of the person whose property has been sold under this section, and if not claimed by him within two years shall be paid to the revenue of the Territory.

87. The property of any lodger, guest or inmate of any premises in respect of which a publican's licence has been granted under this Ordinance, or of any person who has entrusted the lodger, guest or inmate therewith, and being on such premises or any part thereof, shall not be liable to be taken in execution or seized for or in respect of rent of the premises or in respect of any other claims whatsoever against the same premises or the licensee or owner thereof.

Lodger's, guest's, or inmate's property not to be distrained for rent or other claims.

88. The holder of a publican's licence under this Ordinance shall have—

Name and light to be exhibited.

- (a) his name in legible letters at least two inches long, with the words "Licensed Publican" and the name of his manager (if any), with the addition of the word "Manager", painted up and kept constantly remaining, and to be seen and read, on a conspicuous part of the front of his licensed premises; and
- (b) a lamp fixed in front of his licensed premises, either opposite to or over the principal or entrance door thereof, not less than seven feet from the ground, and shall, if the licensed premises are situated in any town, keep the lamp alight continuously from sunset to the hour of closing his premises or, if the licensed premises are situated outside the boundaries of any town, such holder shall keep his lamp burning every night from sunset to sunrise.

89. Any person whether licensed or not who is guilty of any contravention of any of the provisions of this Ordinance for which a penalty is not specially provided shall be liable on conviction to a penalty not exceeding Ten pounds.

Offences for which no penalty prescribed.

90. An information under this Ordinance against a licensee for an offence must be laid within two months after the time when the matter of the information arose.

When information to be laid.

91. In any proceedings for an offence against this Ordinance—

Presumptions.

- (a) any liquid shall, until the contrary is proved, be deemed to be liquor; and
- (b) every separate sale or supply shall be deemed a separate offence.

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Offences by
manager or
employee, &c.

92.—(1.) Anything which, if done by a licensee personally, would be an offence against this Ordinance shall also be an offence if done by any manager or employee of the licensee, and such manager or employee may be punished accordingly.

(2.) Where any offence against the provisions of this Ordinance, from which the licensee derives a benefit or profit, is committed on or in relation to any licensed premises by any person other than the licensee, the licensee shall also be deemed to have committed the offence.

Evidence of
sale and
consumption.

93.—(1.) In proving the supply, sale or consumption of liquor for the purpose of any proceedings relative to any offence against this Ordinance, it shall not be necessary to show that any money actually passed or that any liquor was actually supplied or consumed, if the Court hearing the case is satisfied that a transaction in the nature of a sale actually took place or that any supply or consumption of liquor was about to take place.

(2.) Proof of consumption or intended consumption of liquor on any licensed premises by some person other than the person licensed in respect of such premises shall be prima facie evidence that the liquor was sold by the licensee to that person.

(3.) In any proceedings under this Ordinance the burden of proving that the sale, supply or consumption of liquor on licensed premises was lawful shall be on the person alleging the same.

Proof of
licence.

94.—(1.) In any proceedings under this Ordinance against any person alleged to be the holder of a licence, the production of the register of licences kept in pursuance of this Ordinance containing the entry of the fact of the issue or transfer of the licence to that person, or a certificate of the Clerk setting out that fact, shall be evidence that he is the holder of the licence as alleged.

(2.) In any proceeding under this Ordinance against any person for selling, supplying or disposing of liquor without a licence, the onus of proof that the person is licensed shall be upon that person.

Order against
habitual
drunkards.

95.—(1.) Where the Commissioner or a District Officer in charge of a District is satisfied that any person habitually consumes liquor to excess, he may make an order forbidding all persons to give, supply or sell any liquor to the person named in the order for the period of twelve months from the date of the order.

(2.) When any order under this section has been issued, any person who has been served with a copy of the order, or who knows that the order has been issued, and who, while the order is in force, gives, supplies or sells any liquor, or permits any liquor to be given,

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supplied or sold, to or for the use of the person named in the order shall be guilty of an offence.

Penalty: Twenty-five pounds.

96.—(1.) After fourteen days' notice to a licensee, an inspector may apply to the Commissioner to disqualify the licensee because of repeated breaches of or offences against the provisions of this Ordinance, or because of continual failure on the part of the licensee to provide the services or accommodation required under this Ordinance, and the Commissioner on proof thereof may cancel the licence and may disqualify the licensee from holding a licence for a period of not more than three years.

Cancellation
of licences.

97. If a publican's licence in respect of the same premises (whether for the time being held by the same or different persons) is cancelled on two several occasions within a period of three years, the premises shall be liable to be disqualified by the Commissioner for any period not exceeding three years from the date of the last cancellation from having a licence under this Ordinance granted in respect thereof.

Disqualification
of licensed
premises.

98.—(1.) The Administrator in Council may make regulations,⁽⁹⁾ not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular prescribing matters providing for or in relation to—

Regulations.
Sub-section (1)
amended by
No. 37 of 1938,
s. 3.

- (a) the forms of licences, permits and other documents issued or used under or for the purposes of this Ordinance;
- (b) the matters in relation to which fees shall be payable and the fees to be paid; and
- (c) the imposition of penalties not exceeding Ten pounds for breaches of the Regulations.

(2.) Regulations made under this Ordinance may be of general application or may be limited in their operation to a particular area or town.

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Sub-sections
(3) & (4)
omitted by
No. 37 of 1938,
s. 3.

(9) See the *Liquor Regulations*, printed on p. 3121.